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February 11, 2005

By Express Mail

BOX TTAB FEE
Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: Padres L.P.
Notice of Opposition Against Eresmas Interactiva, S.A.'s
Application to Register MUNDO PADRES
Attorney Ref. No. 21307.022

Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 76/205,648, published in the Official Gazette of December 24, 2002. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.



02-14-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

Cowan, Liebowitz & Latman, P.C.

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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,


Antonio Borrelli

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

TTAB

Ref. No. 21307.022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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:
PADRES L.P., :
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Opposer, :
:
v. :
:
ERESMAS INTERACTIVA, S.A., :
:
:
Applicant. :
-----X

NOTICE OF OPPOSITION

Opposition No.

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Padres L.P. ("Opposer"), a Delaware limited partnership located at 100 Park Boulevard, San Diego, California 92101, believes that it will be damaged by registration of the word mark MUNDO PADRES in International Class 38 for "telecommunications services, namely, local and long-distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, satellite, and global computer network transmissions; providing telecommunications connections to a global computer network; radio, television, cable and satellite broadcasting services; information services in the field of telecommunications; electronic transmission of messages and data; mobile radio telephone services; renting of



02-14-2005

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2/14/05
(Date of Deposit)

Deborah A. G. Itara
(Print name)

Deborah A. G. Itara
(Signature)

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telecommunications equipment; renting of equipment for the transmission of messages” and in International Class 41 for “publication of books; education services, namely, providing training, instruction, courses and classes in the field of pre-natal, pregnancy and after-birth care, gymnastic exercises for pre-natal, pregnancy and after-birth for parents and young children; entertainment services, namely, organizing education and sporting competitions in the nature of gymnastics and academic games for children and parents with young children, not including baseball exhibitions; organizing and conducting cultural exhibitions about pregnancy and child development for parents with young children,” as shown in Application Serial No. 76/205,648 (the “Application”), and having been granted extensions of time to oppose up to and including February 11, 2005, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned SAN DIEGO PADRES MAJOR LEAGUE BASEBALL club.
2. Since long prior to August 7, 2000, Applicant’s claimed priority filing date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have used the marks PADRES or COMPADRES either alone or with other word and/or design elements (collectively, “Opposer’s PADRES Marks”) on or in connection with baseball games, exhibition and entertainment services rendered live and through broadcast media including television, radio and via a global computer network and/or on-line service and a variety of other goods and services, including, without limitation, charitable, educational and fundraising services, including, without limitation, a variety of programs and events focusing on children’s education, athletics and health, paper goods and printed matter, apparel and novelties.

3. Opposer owns U.S. Federal registrations and applications for Opposer's PADRES Marks in International Classes 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 35, 41 and 42; namely, Registration Nos. 2,473,844, 2,781,865, 1,154,283, 1,273,430, 1,199,555, 1,158,446, 1,554,459, 1,556,528, 1,195,743, 1,154,251, 1,030,015, 1,015,484, 1,390,282, 2,748,393, 2,723,168, 1,585,635, 2,620,286, 2,619,846 and Application Serial Nos. 76/193,172, 75/239,978, 78/317,871, 78/317,893, 78/317,914, 78/317,923, 78/317,929, 78/317,936, 78/317,939, 78/318,122 and 78/318,135 for said trademarks and service marks. Opposer's Registration Nos. 1,154,283, 1,273,430, 1,199,555, 1,158,446, 1,554,459, 1,556,528, 1,195,743, 1,154,251, 1,030,015, 1,015,484, 1,390,282 and 1,585,635 are incontestable.

4. Since long prior to August 7, 2000, Applicant's claimed priority filing date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's PADRES Marks, including, but not limited to, baseball games, exhibition and entertainment services rendered live and through broadcast media including television, radio and via a global computer network and/or on-line service and a variety of other goods and services, including, without limitation, charitable, educational and fundraising services, including, without limitation, a variety of programs and events focusing on children's education, athletics and health, paper goods and printed matter, apparel and novelties.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's PADRES Marks, Opposer has built up highly valuable goodwill in Opposer's PADRES Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On February 6, 2001, Applicant Eresmas Interactiva, S.A. filed the Application, based on an intent to use and on a foreign application, claiming a priority filing date of August 7, 2000 based on Section 44(d), to register the word mark MUNDO PADRES in International Class 38 for "telecommunications services, namely, local and long-distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, satellite, and global computer network transmissions; providing telecommunications connections to a global computer network; radio, television, cable and satellite broadcasting services; information services in the field of telecommunications; electronic transmission of messages and data; mobile radio telephone services; renting of telecommunications equipment; renting of equipment for the transmission of messages" and in International Class 41 for "publication of books; education services, namely, providing training, instruction, courses and classes in the field of pre-natal, pregnancy and after-birth care, gymnastic exercises for pre-natal, pregnancy and after-birth for parents and young children; entertainment services, namely, organizing education and sporting competitions in the nature of gymnastics and academic games for children and parents with young children, not including baseball exhibitions; organizing and conducting cultural exhibitions about pregnancy and child development for parents with young children."

7. Upon information and belief, Applicant did not use the mark MUNDO PADRES in United States commerce for the services covered in the Application prior to August 7, 2000, Applicant's claimed priority filing date.

8. The services covered by the Application are closely related to the goods and services offered in connection with Opposer's PADRES Marks.

9. Applicant's MUNDO PADRES mark, containing the identical term "PADRES" as appears in Opposer's PADRES Marks, so resembles Opposer's PADRES Marks as to be

likely, when applied to Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's MUNDO PADRES mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's MUNDO PADRES mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's MUNDO PADRES mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, and Antonio Borrelli (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
February 11, 2005

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: Antonio Borrelli

Mary L. Kevlin

Richard S. Mandel

Antonio Borrelli

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